

REMARKS

Claim Rejections – 35 U.S.C. § 102

Claims 13, 17, 18, 20, and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kutscher et al. (U.S. Patent 6,212,451).

Kutscher uses heat transfer conditions surrounding the compressor to calculate the relative on-time, i.e. the ratio between on-times and off-times (col. 1, lines 41-53), and the absolute on-time, i.e. the duration of on-times (col. 1, lines 54-56). According to Kutscher, the "functional parameter for determine a desirable compressor on-time duration is varied are the heat transfer conditions which prevail between the compressor and the air enveloping the latter" (col. 2, lines 16-20). The air temperature "enveloping" the compressor is not measured, but it is determined based on a model taking into account current outside temperature and/or current vehicle engine intake temperature (col. 2, lines 36-39). However, this is not the temperature of the compressor itself, only of its environment. Therefore, Applicant respectfully disagrees with the Examiner's arguments raised in section 4 of the Office Action. Kutscher calculates times, not the compressor temperature itself.

The present invention does not precalculate an on-time (relative or absolute), which itself influences the temperature of the compressor. Instead, it calculates the temperature development in the specific compressor, i.e. its heating behavior.

As described in the present application's Background of the Invention, not taking into account the compressor's own temperature is a rather imprecise way of determining operating times. This may, for instance, result in operating the compressor while its temperature is very high (because the air flow conditions have recently changed).

Claim 13 has been amended to include all limitations of claim 16, which clarifies that the variables are used in a heating function and not in a time calculation.

Applicant therefore believes that claim 13 as amended is neither anticipated by nor obvious over Kutscher et al. and/or Meier.

Claim Rejections – 35 U.S.C. § 103

Claims 15, 16, 19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kutscher et al. in view of Meier et al. (U.S. Patent 6,799,950).

Applicant disagrees that Kutscher anticipates former claim 16. Kutscher never calculates a compressor temperature, only operating times.

The limitations of claim 16 have been added to claim 13, and claims 15, 19, and 21 depend from claim 13. for the reasons given above, claim 13 is believed to be allowable, and therefore claims 15, 19, and 21 are believed to be patentable as well.

Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kutscher et al. in view of Meier et al. (U.S. Patent 6,799,950) and of Jayanth et al. (U.S. Patent 6,758,051).

Claims 22 and 23 depend on claim 13 and are thus believed to be patentable as well.

CONCLUSION

Applicant believes that all claims are now in proper shape for allowance.

Respectfully submitted,

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